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Attorneys for Plaintiff, Kathleen Rose Taylor

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

KATHLEEN ROSE TAYLOR,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

Case No. 3:13-cv-_____

COMPLAINT

Plaintiff, Kathleen Rose Taylor, by and through her attorneys, Brena, Bell & Clarkson, P.C.,
for her complaint against Defendant, United States of America, states and alleges as follows:

PARTIES/JURISDICTION/VENUE

1. Plaintiff, Kathleen Rose Taylor ("Taylor"), is a resident of the State of Alaska, and
is competent to maintain this action.

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2. This action is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671. Defendant, the United States of America ("United States"), is subject to the jurisdiction of this Court with respect to the medical negligence of the United States Air Force physicians as alleged herein.

3. On or about September 14, 2012, Taylor submitted an Administrative Claim to the United States Air Force regarding the claim set forth below.

4. Six months having elapsed since the submission of the Administrative Claim referenced in Paragraph 3 above, all conditions precedent to Taylor bringing a claim against the United States under the Federal Tort Claims Act have been met.

5. Venue in this action is appropriate in the District of Alaska.

FACTS

6. On June 15, 2011, Taylor underwent an open sigmoidectomy with primary anastomosis and removal of her left ovary and fallopian tube by United States Air Force physicians/surgeons, Dr. Gregory Hough and Dr. Douglas Leach, in medical facilities located on Elmendorf Air Force Base (JBER), Alaska. Both Drs. Hough and Leach were serving in the United States Air Force on June 15, 2011, and at all times before and after the surgery during which time they provided medical care to Taylor.

7. With respect to the surgery referenced in Paragraph 6 above, and with respect to Taylor's post-operative care following the surgery, both Drs. Hough and Leach owed Taylor a duty to conduct themselves, and to perform the surgery, as well as Taylor's post-operative medical care, with that reasonable degree of skill, care, and knowledge that is normally possessed and exercised by like physicians/surgeons under like or similar circumstances.

8. Drs. Hough and/or Leach breached their duties of care owed to Taylor as referenced in paragraph 7 above, by failing to identify harm to her left ureter, failing to properly evaluate her left kidney post-operatively, and failing to recognize the obstruction to her left kidney by a surgical clip, which they left inside her post-surgery.

9. Drs. Hough's and/or Leach's breach as referenced in Paragraph 8 above, namely in failing to recognize and correct the complication involving injury to her left ureter and in failing to protect her left ureter, which was at risk due to the surgical clip that was left inside her post-surgery, resulted in and was the direct and proximate cause of, (a) Taylor's need for a second surgery, a percutaneous nephrostomy, (b) the resultant pain and infection that Taylor experienced, before and after the second surgery, and (c) the injury and nonfunctioning of Taylor's left kidney, and (d) Taylor's ultimate need for left nephrectomy because of a nonfunctioning left kidney.

10. The nonfunctioning of Taylor's left kidney, due to and as a proximate result of the negligence of Drs. Hough and/or Leach as referenced in Paragraphs 8 and 9 above, required Taylor to undergo a second surgery on April 16, 2012, by Dr. Califano. The second surgery was also performed in medical facilities located on Elmendorf Air Force Base (JBER), Alaska. Dr. Califano was serving in the United States Air Force on April 16, 2012, and at all times before and after the second surgery when he provided medical care to Taylor. During the second surgery, while performing a laparoscopic left nephrectomy, Dr. Califano injured Taylor's descending colon, which required conversion to open nephrectomy and incisional repair of the colon with resulting scarring. As a result of Drs. Hough's and Leach's breach of the duty of care as described above, Taylor underwent this second surgery, had one of her kidney's injured to the point of requiring removal, lost

an otherwise healthy kidney, and suffered injury, infection, and pain to her descending colon during the second surgery.

MEDICAL NEGLIGENCE

11. Taylor restates herein the allegations set forth in Paragraphs 6-10 above.

12. Drs. Hough and/or Leach were negligent in their provision of medical care to Taylor, both during and following the June 15, 2011, surgery, in that they provided Taylor medical care that fell below the requisite standard of care, as described in Paragraphs 6-8 above. At all times pertinent to this action, Drs. Hough and Leach acted within the authorized course and scope of their duties as members of the United States Air Force and as employees and agents of the United States.

13. As a direct and proximate result of Drs. Hough's and Leach's negligence, Taylor suffered injury as described in Paragraphs 6-10 above, including, but not limited to, pain, suffering, mental anguish, a second and additional needless surgery, permanent physical impairment involving the loss of an otherwise healthy kidney, injury, and scarring of her descending colon, loss of enjoyment of life, and economic loss. The exact amount and nature of Taylor's damages will be proven at trial.

14. The United States is vicariously responsible for the negligence of its employees and agents, Drs. Hough and Leach.

WHEREFORE, Taylor demands a trial by jury on all issues so triable and prays for judgment in her favor against the United States as follows:

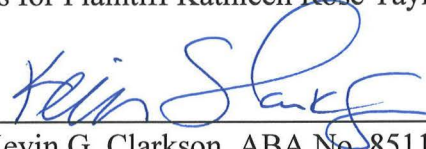
1. For damages against the United States as proven at trial; and
2. For prejudgment and post-judgment interest, Taylor's costs and attorneys' fees

incurred in bringing this action as allowed by applicable law, and such other and further relief as the Court may deem just and equitable.

DATED this 20th day of May, 2013.

BRENA, BELL & CLARKSON, P.C.
Attorneys for Plaintiff Kathleen Rose Taylor

By



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